

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1204MILLIONWAY INTERNATIONAL, INC.

v.

BLACK RAPID, INC.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent MILLIONWAY INTERNATIONAL, INC

Party is (select one)

☒ Appellant/Petitioner
☐ Appellee/Respondent

☐ Cross-Appellant
☐ Intervenor
Tribunal appealed from and Case No. 4:13-CV-01780Date of Judgment/Order 12/02/2013 Type of Case Declaratory JudgmentRelief sought on appeal Reverse JudgmentRelief awarded below (if damages, specify) _____
Case dismissed with prejudice.Briefly describe the judgment/order appealed from not applicable
Court found the Declaratory Judgment case res judicata.

Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; see Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

Brief statement of the issues to be raised on appeal _____

1. Is a District Judge bound by the misinterpretation of the law by a Judge in another Judicial District?
2. Is disputing the abuse of a non-infringement Order the same issue as arguing non-infringement?

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☐ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☐ No

If they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____

The goal of the Appellee is to eliminate all competition and mediation will not help the Appellant.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

None

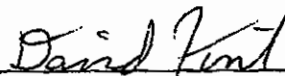
I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 17th day of January, 2014

by: U.S. Mail

(manner of service)

David Fink

Name of Counsel



Signature of Counsel

Law Firm Fink & Johnson

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